

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 17.8.101, 17.8.102,)
17.8.302, 17.8.401, 17.8.801,)
17.8.901 and 17.8.1005,) (AIR QUALITY)
pertaining to definitions and)
incorporation by reference of)
current federal regulations)
and other materials into air)
quality rules)

TO: All Concerned Persons

1. On February 14, 2002, the Board of Environmental Review published a notice of proposed amendment of the above-stated rules at page 268, 2002 Montana Administrative Register, issue number 3.

2. The Board amended ARM 17.8.101, 17.8.102, 17.8.302, 17.8.401, 17.8.801 and 17.8.901 exactly as proposed. The Board amended ARM 17.8.1005 as proposed, but with the following changes:

17.8.1005 ADDITIONAL CONDITIONS OF AIR QUALITY PRE-CONSTRUCTION PERMIT (1) through (5) remain the same as proposed.

(6) Emission reductions (air quality offsets) under (1)(c) must also comply with the additional requirements for determining the baseline and magnitude of emission reductions (air quality offsets) contained in ARM 17.8.905(1)(c) and 17.8.906, except that ARM 17.8.906~~(6)~~(7) through ~~(8)~~(9) shall not be applicable to offsets required under this subchapter.

3. The following comment was received and appears with the Board's response:

COMMENT NO. 1: The Board received one comment from Laurie Ostrand, U.S. Environmental Protection Agency (EPA) Region VIII. Ms. Ostrand commented that, when EPA pointed out an error in an internal reference in ARM 17.8.1005(6), prior to initiation of this rulemaking, EPA's proposed correction was not accurate. Ms. Ostrand commented that the correct reference should have been ARM 17.8.906(7) through (9), instead of ARM 17.8.906(6) through (8). Ms. Ostrand commented that ARM 17.8.905(1)(c) also contains the same incorrect

reference, and suggested that the Board correct the reference in that rule.

RESPONSE: The Board has amended the reference in ARM 17.8.1005, shown above, as suggested. ARM 17.8.905 was not included in this notice of proposed rulemaking, so any amendment to that rule would be outside the scope of the public notice of rulemaking. The Board will propose to correct the reference in ARM 17.8.905 in a later rulemaking proceeding.

BOARD OF ENVIRONMENTAL REVIEW

By:

JOSEPH W. RUSSELL, M.P.H.
Chairman

Reviewed by:

DAVID RUSOFF, Rule Reviewer

Certified to the Secretary of State, _____, 2002.